



Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
<b>BRIAN W. McKINNON</b>	)	
	)	
Serial No.: <b>09/808,228</b>	)	Art Unit: <b>3738</b>
	)	
Filed: <b>March 14, 2001</b>	)	Examiner: <b>Barrett, Thomas C.</b>
	)	
For: <b>VARIABLE GEOMETRY RIM</b>	)	Attorney Docket
<b>SURFACE ACETABULAR</b>	)	No.: <b>10557/199332 (01-31-0688)</b>
<b>SHELL LINER</b>	)	

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF BRIAN MCKINNON UNDER 37 C.F.R. § 1.131**

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Sir:

I, Brian McKinnon, declare that:

1.

I am the inventor of Claims 1-181 of the above-identified patent application and of the subject matter described and claimed therein.

2.

Prior to February 1, 2000, I had conceived and reduced to practice in this country an invention as described and claimed in the above-identified patent application. In support thereof, the Smith & Nephew North America – Patent Application Disclosure Form – Record of Invention is attached as Exhibit A and a Memorandum from Gary Dawkins to me with the

subject "*Technical Memo – Anteverted Liner Push-In, Push-Out, and Lever-out Testing*" is attached as Exhibit B.

3.

A Record of Invention is a form that you complete and submit to in-house counsel at my employer when you believe you have an invention for which the company should consider filing a patent application. The form requires you to describe your invention briefly in writing, provide one or more drawings of your invention, and indicate the dates of first conception, beginning of reduction to practice, and completion of reduction to practice. This form is completed prior to any preparation of a patent application by outside counsel.

4.

Exhibit A is the record of invention form I completed for the above-identified patent application and the subject matter claimed therein. The written form is three pages, and a drawing I attached to the form at the time of completion is attached as the fourth page. The drawing shows a completed prototype of the invention described on page 3 of Exhibit A. I completed Exhibit A on February 1, 2000. Exhibit A was also witnessed and executed by a non-interested third party on February 1, 2000, as shown on page 3.

5.

Dates of conceiving of the idea for the invention, first putting the idea in writing, beginning of construction, and completion of construction of the invention have been redacted from the first page of Exhibit A. Each of these dates is prior to February 1, 2000. My social security number has also been redacted from the first page. A date prior to February 1, 2000 has also been redacted from the drawing on page 4.

U.S.S.N. 09/808,228

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6.

The entries shown in Exhibit A are evidence that a prototype embodying the invention described and claimed in the above-identified patent application was completely constructed prior to February 1, 2000. Therefore, the invention described and claimed in the above-identified patent application was reduced to practice before February 1, 2000.

7.

Exhibit B is further evidence of reduction to practice of the invention prior to February 1, 2000. Exhibit B is a memorandum Gary Dawkins prepared to summarize mechanical test results for 10 prototypes of this invention, as noted on pages 1 and 6 of the memo. The date of this memo has been redacted, but is prior to February 1, 2000.

8.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

9-8-01  
Date

  
Brian McKinnon